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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

AMERIPRIDE SERVICES INC., a Delaware
corporation,

Plaintiff,

vs.

VALLEY INDUSTRIAL SERVICES, INC., a
former California corporation and TEXAS
EASTERN OVERSEAS, INC., a former
Delaware Corporation,

Defendants.

AND CONSOLIDATED ACTION AND
CROSS AND COUNTER-CLAIMS.

Case No. CIV. S-00-113 LKK/JFM

**STIPULATION AND ORDER
RESOLVING TEXAS EASTERN
OVERSEAS, INC.'S MOTION FOR
SANCTIONS AGAINST AMERIPRIDE
SERVICES INC.**

Date: July 18, 2011
Time: 10:00 a.m.
Dept.: 4
Hon. Lawrence K. Karlton

Trial Date: January 18, 2012
Discovery Cut Off: May 1, 2011
Motion Cut Off: July 1, 2011

1 Plaintiff AMERIPRIDE SERVICES INC., (“AmeriPride”) and Defendant TEXAS
2 EASTERN OVERSEAS, INC. (“TEO”), by and through their respective counsel, stipulate with
3 respect to TEO’s Motion for Sanctions against AmeriPride as follows:

4 **RECITALS**

5 1. Whereas, on May 23, 2011, defendant TEO filed a Motion for Sanctions (“the
6 Motion”) against AmeriPride (Docket Number (“Dkt.”) 746). TEO did not meet and confer with
7 AmeriPride prior to filing its motion.

8 2. Whereas, the Court previously awarded evidentiary sanctions in this action to
9 Huhtamaki Foodservices, Inc. (“Huhtamaki”) in the form of an adverse inference that AmeriPride
10 would be prohibited from presenting any evidence which denies that AmeriPride contributed PCE to
11 soil and groundwater contamination from the wastewater system at the property located on Wilbur
12 Way in Sacramento, California (“the Facility”) where both Valley Industrial Services, Inc. (“VIS,
13 Inc.”) and then AmeriPride operated. (Order of August 8, 2006, Dkt. 544.)

14 3. Whereas, TEO claims in its Motion that it stands in Huhtamaki’s shoes and it seeks
15 the same adverse inference that the Court awarded to Huhtamaki on August 8, 2006. (Dkt. 746 at
16 15.)

17 4. Whereas, AmeriPride disputes that TEO stands in Huhtamaki’s shoes, but does not
18 dispute that some PCE probably was added to the groundwater contamination during AmeriPride’s
19 operation of the Facility.

20 **STIPULATION**

21 Based on the foregoing, the court will instruct the jury and/or the fact finder will find that the
22 removed pipes leaked PCE-contaminated wastewater into the soil and groundwater and that this
23 contamination was a cause of the contamination on the Huhtamaki property. AmeriPride will be
24 prohibited from presenting any evidence which denies that AmeriPride contributed to the soil and
25 groundwater contamination. However, the parties agree that there is a dispute about the amount of
26 contamination caused by releases of wastewater during both VIS, Inc.’s and AmeriPride’s operation
27 of the Facility that must be resolved by the trier of fact.

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1 Dated: July 8, 2011

HUNSUCKER GOODSTEIN & NELSON PC

2
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9
10 Dated: July 8, 2011


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19 TEXAS EASTERN OVERSEAS, INC.

20 IT IS SO ORDERED.

21 Dated: July 12, 2011.

22
23
24 
25 LAWRENCE K. KARLTON
26 SENIOR JUDGE
27 UNITED STATES DISTRICT COURT
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